

Exhibit 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

HEALTHIER CHOICES
MANAGEMENT CORP.,

Plaintiff,

v.

PHILIP MORRIS USA, INC. and PHILIP
MORRIS PRODUCTS S.A.,

Defendants.

Case No. 1:20-cv-04816-TCB

**DECLARATION OF HENRY D. FELLOWS, JR., IN SUPPORT OF
DEFENDANTS' MOTION FOR ATTORNEYS' FEES**

I, HENRY D. FELLOWS, JR., submit this Declaration pursuant to 28 U.S.C. § 1746. I am more than twenty-one years of age and am competent to present this Declaration, of which I have personal knowledge. I declare as follows:

1. I am a partner in the law firm of Fellows LaBriola LLP, counsel for Defendant Philip Morris Products, S.A. (“PMPSA”) in the above-captioned case. I am licensed to practice law in the State of Georgia and am a member in good standing of the State Bar of Georgia.

2. I submit this Declaration in support of Defendant PMPSA’s motion for attorneys’ fees.

3. I have personal knowledge of the facts set forth in this Declaration, and I can testify competently to these facts if called as a witness.

4. Since Fellows LaBriola LLP began representing PMPSA against the infringement claim brought by Plaintiff Healthier Choices Management Corp. (“HCM”) in December, 2020, PMPSA has spent attorneys’ fees and filing costs to defend itself, including performing tasks in response to HCM’s infringement complaint, and other legal tasks to provide a complete defense to HCM’s allegations, including, for example, preparing and filing an *inter partes* review petition challenging the validity of HCM’s ’170 patent before the United States Patent Trial and Appeal Board.

5. In its motion, PMPSA is seeking only attorneys' fees and expenses relating to tasks performed in response to HCM's infringement complaint, amounting to approximately \$73,000 in attorneys' fees and expenses for work performed by Fellows LaBriola LLP. This amount represents time spent by Fellows & LaBriola LLP attorneys and paralegals on district court litigation tasks performed in response to HCM's infringement complaint between December, 2020, and November 30, 2021. This number is approximate, as Fellows LaBriola LLP billing system has not yet finalized fees due for work performed during December, 2021.

* * *

I declare, under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

Executed on December 15, 2021, in Atlanta, Georgia.

/s/Henry D. Fellows, Jr.

Henry D. Fellows, Jr.